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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/877,596	06/08/2001	Barry H. Schwab	VID-01602/29	1588

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GIFFORD, KRASS, SPRINKLE, ANDERSON & CITKOWSKI, P.C
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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2457

MAIL DATE	DELIVERY MODE
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08/06/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/877,596	Applicant(s) SCHWAB ET AL.	
	Examiner LASHONDA T. JACOBS	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is a Final Office Action in response to Applicant's RCE filed on July 21, 2010. Claims 1-3 have been amended. Applicants' have added new claims 13-15. Claims 1-12 are pending and presented for further examination. Claims 13-15 are also presented for examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Khidekel (hereinafter, "Khidekel, 2001/0027527) in view of Messner (U.S. Pub. No. 2001/0051902).

As per claim **1**, Khidekel discloses a secure transaction method, comprising the steps of:

- establishing an electronically accessible verification site authorized by the holder of a credit card (paragraphs 0019, 0020, 0023 and 0025);
- receiving a request for goods or services at a merchant location using a credit card, but wherein the card is not required to be physically presented to the merchant (paragraphs 0028-0029); and
- accessing the verification site by the merchant to determine whether the request for goods or services is an authorized transaction ((paragraphs 0019, 0020, 0023 and 0025) .

However, Khidekel does not explicitly disclose:

- sending an electronic authorization communication by the verification site to the holder of the credit card, the message including information indicative of the transaction; and
- transmitting, by the holder of the credit card, an approval communication if the transaction is approved by the card holder.

In an analogous art, Messner discloses a method for performing secure Internet transactions including:

- sending an electronic authorization communication by the verification site to the holder of the credit card, the message including information indicative of the transaction (abstract, paragraphs 0057-0058 and 0062-0066); and
- transmitting, by the holder of the credit card, an approval communication if the transaction is approved by the card holder (abstract, paragraphs 0057-0058 and 0062-0066).

Given the teaching of Messner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khidekel by generating an authorization packet that includes biometric information for approving a transaction securely over a network.

As per claim 2, Khidekel discloses:

- wherein the verification site is a an electronic mail account (paragraph 0025).

As per claim 3, Khidekel discloses:

- wherein the electronic mail account was established by the merchant (paragraphs 0020 and 0025).

As per claim 4, Khidekel discloses:

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- wherein the authorization message is sent from the site to the merchant in response to the step of accessing the verification site by merchant (paragraphs 0020 and 0039).

As per claim 5, Khidekel discloses the invention substantially as claims discussed above.

However, Khidekel does not explicitly disclose:

- wherein the authorization message is automatically generated.

In an analogous art, Messner discloses a method for performing secure Internet transactions including:

- wherein the authorization message is automatically generated (paragraphs 0064 and 0077).

Given the teaching of Messner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khidekel by generating an authorization packet that includes biometric information for approving a transaction securely over a network.

As per claim 6, Khidekel discloses the invention substantially as claims discussed above.

However, Khidekel does not explicitly disclose:

- wherein the authorization message is manually generated within a predetermined period of time.

In an analogous art, Messner discloses a method for performing secure Internet transactions including:

- wherein the authorization message is manually generated within a predetermined period of time (paragraphs 0064 and 0077).

Given the teaching of Messner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khidekel by manually generating an authorization packet that includes biometric information for approving a transaction securely over a network.

As per claim 7, Khidekel discloses:

- wherein request for goods or services, the step of accessing the verification site, the authorization message, or any combination thereof, are encrypted (abstract and paragraph 0034).

As per claim 8, Khidekel discloses:

- wherein the encryption is implemented using an algorithm specific to the holder or an authorized user of the card.

As per claim 9, Khidekel discloses:

- wherein the goods or services, the step of accessing the verification site, the authorization message, or any combination thereof, including routing information (paragraph 0023).

As per claim 10, Khidekel discloses:

- wherein the step of accessing the verification site by the merchant causes an icon or window to appear in a web browser (paragraphs 0025-0026).

As per claim 11, Khidekel discloses:

- wherein the verification site is wirelessly accessible (paragraph 0019).

As per claim 12, Khidekel discloses:

- wherein the site is accessible through a cellular telephone, personal digital assistant, or other mobile device (paragraph 0019).

As per claim **13**, Khidekel discloses:

- wherein the information indicative of the transaction includes information identifying the merchant (paragraphs 0019-0020).

As per claim **14**, Khidekel discloses:

- wherein the information indicative of the transaction includes information identifying the goods or services (paragraphs 0019-0020).

As per claim **15**, Khidekel discloses the invention substantially as claims discussed above.

However, Khidekel does not explicitly disclose:

- wherein the information indicative of the transaction includes the cost of the transaction.

In an analogous art, Messner discloses a method for performing secure Internet transactions including:

- wherein the information indicative of the transaction includes the cost of the transaction (paragraph 0066).

Given the teaching of Messner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Khidekel by generating an order packet that includes purchase information for the goods/services to be purchased and approving the transaction securely over a network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Primary Examiner, Art Unit 2457

ltj
August 3, 2010